

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

FEB 11 2009

ADMINISTRATIVE HEARING
COMMISSION

DIRECTOR OF THE DEPARTMENT)
OF INSURANCE, FINANCIAL)
INSTITUTIONS & PROFESSIONAL)
REGISTRATION)
STATE OF MISSOURI,)

Petitioner,)

vs.)

COLIN P. LINDSEY)

Respondent.)

Serve:)

14941 Rhodes Circle)
Lenexa, Kansas 66215)

And)

900 Elm Street, Suite 701)
Manchester, New Hampshire 03101)

Case No.: 0962061606

09-0220D1

COMPLAINT

The Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent, Colin P. Lindsey, because:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Director of the Department of Insurance, Financial Institutions and Professional Registration. The Director has the duty to administer Chapters 374 and 375 RSMo, which includes the supervision, regulation, and discipline of insurance companies, agencies, and producers licensed to operate and conduct business in the State of Missouri.

2. The Department of Insurance, Financial Institutions and Professional Registration, issued Respondent Colin P. Lindsey an insurance producer license (No. PR222019) in 2001. Such license expired on December 28, 2008, and was not renewed.

3. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (Supp. 2008).

COUNT I

4. Respondent's insurance producer licenses, or their equivalents, were revoked in the State of New Hampshire and the State of Kansas, which is grounds for discipline of his Missouri insurance producer license pursuant to § 375.141.1(9), RSMo (Supp. 2008).

5. The facts are as follows:

- a. On or about February 22, 2008, the New Hampshire Insurance Department issued an Order to Show Cause and Notice of Hearing against Respondent alleging that Respondent used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in the State of New Hampshire or elsewhere.
- b. On or about May 8, 2008, Respondent entered into a Settlement Agreement and Order with the Commissioner of the New Hampshire Insurance Department whereby the New Hampshire Insurance Department revoked Respondent's insurance producer license.
- c. Effective September 15, 2008, the Kansas Commissioner of Insurance, revoked Respondent's insurance producer license upon finding that Respondent demonstrated incompetence in the conduct of the business in

the State of Kansas or elsewhere, Respondent's agent license was revoked in the State of New Hampshire, and that Respondent failed to notify the Kansas Insurance Department of the New Hampshire license revocation.

6. As a result, sufficient grounds exist for disciplining Respondent's Missouri insurance producer license pursuant to § 375.141.1(9), RSMo (Supp. 2008).

COUNT II

7. Respondent failed to notify Petitioner of the administrative actions taken against Respondent in New Hampshire and Kansas within thirty (30) days of the final disposition of the matters in violation of § 375.141.6, RSMo (Supp. 2008). Such failure is grounds for discipline of Respondent's Missouri insurance producer license pursuant to § 375.141.1(2), RSMo (Supp. 2008).

COUNT III

8. Respondent refused to file a statement when requested by Petitioner and failed to appear when subpoenaed by Petitioner, which is grounds for discipline of Respondent's Missouri insurance producer license pursuant to § 374.210.2, RSMo (Supp. 2008).

9. The facts are as follows:

- a. On July 7, 2008, the Department received an anonymous phone call regarding Respondent's New Hampshire insurance producer license revocation.
- b. On or about July 9, 2008, Department Investigator Carrie Couch mailed a letter to Respondent at the legal address contained in Department records, requesting information regarding Respondent's New Hampshire insurance

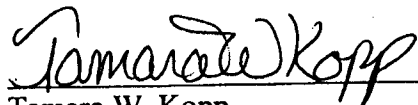
producer license revocation and Respondent's failure to notify the Department within thirty (30) days. Such letter required a statement from Respondent by July 29, 2008. Investigator Couch did not receive the letter by return mail. Investigator Couch received no statement from Respondent by the indicated date.

- c. On or about August 5, 2008, Investigator Couch mailed a second letter to Respondent at the mailing address contained in Department records, requesting information regarding Respondent's New Hampshire insurance producer license revocation and Respondent's failure to notify the Department within thirty (30) days. Such letter required a statement from Respondent by August 26, 2008. Investigator Couch did not receive the letter by return mail. Investigator Couch received no statement from Respondent by the indicated date.
- d. On or about September 8, 2008, Investigator Couch mailed by certified mail to Respondent's mailing address contained in Department records a Subpoena Duces Tecum. The Subpoena required Respondent's appearance at the Department's Jefferson City, Missouri office on October 9, 2008. The Postal Service attempted to deliver the Subpoena to Respondent by leaving notice on September 10, 2008, September 18, 2008, and September 25, 2008. On October 1, 2008, the Subpoena was returned to the Department as unclaimed. Respondent failed to appear at the Department's Jefferson City, Missouri office on the required date.

10. Respondent's refusal to file statements when requested by Petitioner and failure to appear when subpoenaed by Petitioner constitute grounds to discipline Respondent's Missouri insurance producer license pursuant to §374.210.2, RSMo (Supp. 2008).

WHEREFORE, based on the foregoing, Petitioner respectfully requests that the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent Colin P. Lindsey's Missouri insurance producer license pursuant to §§ 375.141.1(9), 375.141.1(2), and 374.210.2, RSMo (Supp. _____ 2008).

Respectfully submitted,



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